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**RECEIVED****MAR 01 2010****OFFICE OF PETITIONS****FAX****Date • February 23, 2010****Pages • 5****Time •****Transmit To •**

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**Telephone No. •****Fax No. • 571 273-6500****From • Christine R. Ethridge****Phone • 412 355-8619****Secretary • Patty Mack****Phone • 412 355-6410****RE: US Patent No. 7,106,361 Attorney Docket number 010132**

Attached please find a "NOTIFICATION OF ERROR IN PAYMENT OF FEE(S) AS A SMALL ENTITY" Please update the USPTO records to reflect large entity status so that the first maintenance fee due on March 12, 2010 may be paid at the large entity rate by our annuity fee service.

Please note that we are also submitting a "NOTIFICATION OF LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS" to 571-273-8300.

Please confirm receipt of this facsimile to (412) 355-3707. Thank you.

When you are sending to us, please be sure to include a cover sheet with your transmittal and a telephone number where you can be contacted in case of equipment malfunction.

**IMPORTANT:** The materials transmitted by this facsimile are sent by an attorney or his/her agent, and are considered confidential and are intended only for the use of the individual or entity named. If the addressee is a client, these materials may also be subject to applicable privileges. If the recipient of these materials is not the addressee, or the employee or agent responsible for the delivery of these materials to the addressee, please be aware that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us at 412.355.6500 (collect) and return the transmitted materials to us at the above address via the U.S. Postal Service. We will reimburse you any costs incurred in connection with this erroneous transmission and your return of these materials. Thank you. Please report problems with reception by calling 412.355.6500.

PI-2323027 v1 0950000-00102

**Transmitted by:***Patricia A. Mack***Time:***4:52 pm*

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MAR 01 2010

Practitioner's Docket No. 010132

PATENT OFFICE OF PETITIONS

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

02/20/2010 DALLIN 00000002 111110 10074313

Patent No. 7,106,361

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Issued: September 12, 2006

For: SYSTEM AND METHOD FOR MANIPULATING THE POINT OF INTEREST IN A  
SEQUENCE OF IMAGESCommissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450NOTIFICATION OF ERROR IN PAYMENT OF FEE(S) AS A SMALL ENTITY  
(37 C.F.R. § 1.28(c))

NOTE: 37 C.F.R. § 1.28(c): "(c) How errors in small entity status are excused. If status as a small entity is established in good faith, and fees as a small entity are paid in good faith, in any application or patent, and it is later discovered that such status as a small entity was established in error, or that through error the Office was not notified of a loss of entitlement to small entity status as required by § 1.27(g)(2), the error will be excused upon: compliance with the separate submission and itemization requirements of paragraphs (c)(1) and (c)(2) of this section, and the deficiency payment requirement of paragraph (c)(2) of this section."

NOTE: 37 C.F.R. § 1.28(c)(1): "Separate submission required for each application or patent. Any paper submitted under this paragraph must be limited to the deficiency payment (all fees paid in error), required by paragraph (c)(2) of this section, for one application or one patent. Where more than one application or patent is involved, separate submissions of deficiency payments (e.g., checks) and itemizations are required for each application or patent. See § 1.4(b)."

## CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\*

(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

## MAILING

☐ deposited with the United States Postal Service in an envelope addressed to Commissioner for Patents, P.O. Box 1450,  
Alexandria, VA 22313-1450

37 C.F.R. § 1.8(a)

☐ with sufficient postage as first class mail.

37 C.F.R. § 1.10\*

☐ as "Express Mail Post Office to Addressee"

Mailing Label No. \_\_\_\_\_ (mandatory)

## TRANSMISSION

☒ facsimile transmitted to the Patent and Trademark Office, (571) 273-6500, Attention Maintenance Fees.

Patricia A. Mack  
Signature

Date: 2/23/2010

PATRICIA A. MACK  
(type or print name of person certifying)

\*Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

(Notification of Error in Payment of Fee(s) as a Small Entity [7-6]-page 1 of 4)

PI-2322846 v1 0201710-00739

"Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

### Erroneous Filing of Small Entity Statement

1. On February 12, 2002, a small entity assertion was erroneously filed in this

☐ application  
☒ patent

2. This assertion of small entity status in this patent and the payment of fee(s) as a small entity was/were made in good faith.

### ERROR

3. It has now been established that such status as a small entity was established in error in good faith as follows:

*(complete the following applicable item)*

- ☐ Although applicant is a small entity, the small entity statement was, through error and in good faith, not signed by all persons or entities having an interest.
- ☐ Although applicant is a small entity, the small entity statement was, through error and in good faith, not signed by the proper authorized person.
- ☒ Patentee erroneously in good faith believed itself entitled to small entity status, and has now discovered that this is not so.
- ☐ Before the payment of the fee(s) listed below, a change occurred whereby small entity status could no longer be claimed for applicant and, through good faith error, the Office was not notified.
- ☐ Other:

### Itemization of the Fee(s) Erroneously Paid as Small Entity

**NOTE:** 37 C.F.R. § 1.28(c)(2): "Payment of deficiency owed. The deficiency owed, resulting from the previous erroneous payment of small entity fees, must be paid.

(i) Calculation of the deficiency owed. The deficiency owed for each previous fee erroneously paid as a small entity is the difference between the current fee amount (for other than a small entity) on the date the deficiency is paid in full and the amount of the previous erroneous (small entity) fee payment. The total deficiency payment owed is the sum of the individual deficiency owed amounts for each fee amount previously erroneously paid as a small entity. Where a fee paid in error as a small entity was subject to a fee decrease between the time the fee was paid in error and the time the deficiency is paid in full, the deficiency owed is equal to the amount (previously) paid in error;

(ii) Itemization of the deficiency payment. An itemization of the total deficiency payment is required. The itemization must include the following information:

(A) Each particular type of fee that was erroneously paid as a small entity, (e.g., basic statutory filing fee, two-month extension of time fee) along with the current fee amount for a non-small entity;

(Notification of Error in Payment of Fee(s) as a Small Entity [7-6]—page 2 of 4)

(B) The small entity fee actually paid, and when. This will permit the Office to differentiate, for example, between two one-month extension of time fees erroneously paid as a small entity but on different dates;

(C) The deficiency owed amount (for each fee erroneously paid); and

(D) The total deficiency payment owed, which is the sum or total of the individual deficiency owed amounts set forth in paragraph (c)(2)(ii)(C) of this section."

NOTE: 37 C.F.R. § 1.28(c)(3): "Failure to comply with requirements. If the requirements of paragraphs (c)(1) and (c)(2) of this section are not complied with, such failure will either: be treated as an authorization for the Office to process the deficiency payment and charge the processing fee set forth in § 1.17(i), or result in a requirement for compliance within a one-month non-extendable time period under § 1.136(a) to avoid the return of the fee deficiency paper, at the option of the Office."

4.

(complete the following applicable item(s))

<u>FEE(S) ERRONEOUSLY PAID AS A SMALL ENTITY</u>	<u>FEE ACTUALLY PAID AS A SMALL ENTITY</u>	<u>DEFICIENCY OWED*</u>	<u>CURRENT FEE (2010)</u>
<input checked="" type="checkbox"/> Filing fee paid on February 12, 2002	\$370.00	\$720.00	\$1,090.00
<input checked="" type="checkbox"/> Fee for excess claims (over 20) paid on February 12, 2002	\$297.00	\$1,419.00	\$1,716.00
<input checked="" type="checkbox"/> Fee for independent excess claims (over 3) paid on February 12, 2002	\$42.00	\$178.00	\$220.00
<input type="checkbox"/> Fee for Late Filing of Oath and Declaration on May 6, 2002	\$65.00	\$65.00	\$130.00
<input type="checkbox"/> Fee for multiple claims paid on			
<input type="checkbox"/> Search fee paid on	\$		
<input type="checkbox"/> Search fee paid on	\$		
<input type="checkbox"/> Examination fee paid on	\$	\$	\$
<input type="checkbox"/> Extension of time fee paid on	\$	\$	
<input checked="" type="checkbox"/> RCE fee paid on September 14, 2005	\$395.00	\$415.00	\$810.00
<input checked="" type="checkbox"/> RCE fee paid on February 15, 2006	\$395.00	\$415.00	\$810.00
<input checked="" type="checkbox"/> The issue fee paid on June 5, 2006	\$ 700.00	\$810.00	\$1,510.00

(Notification of Error in Payment of Fee(s) as a Small Entity [7-6]—page 3 of 4)

**WARNING:** "The deficiency owed for each previous fee erroneously paid as a small entity is the difference between the current fee amount (for other than a small entity) on the date the deficiency is paid in full and the amount of the previous erroneous (small entity) fee payment. The total deficiency payment owed is the sum of the individual deficiency owed amounts for each fee amount previously erroneously paid as a small entity. Where a fee paid in error as a small entity was subject to a fee decrease between the time the fee was paid in error and the time the deficiency is paid in full, the deficiency owed is equal to the amount (previously) paid in error. . ." 37 C.F.R. § 1.28(c)(2)(i).

**NOTE:** 37 C.F.R. § 1.28(b)(2): "The date when a deficiency payment is paid in full determines the amount of deficiency that is due pursuant to paragraph (c) of this section."

**Total deficiency owed \$4,022.00**

**NOTE:** 37 C.F.R. 1.28(d): "Payment of deficiency operates as notification of loss of status. Any deficiency payment (based on a previous erroneous payment of a small entity fee) submitted under paragraph (c) of this section will be treated under § 1.27(g)(2) as a notification of a loss of entitlement to small entity status."

#### Payment of Deficiency

5. The total deficiency owed is paid as follows:

☐ Attached is a ☐ check ☐ money order in the amount of \$ \_\_\_\_\_

☒ Authorization is hereby made to charge the amount of \$4,022.00

☒ to Deposit Account No. 11-1110

☐ to Credit card as shown on the attached credit card information authorization form PTO-2038.

**WARNING:** Credit card information should not be included on this form as it may become public.

☒ Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

  
SIGNATURE OF PRACTITIONER

Reg. No.: 30,557

Christine R. Ethridge  
(type or print name of practitioner)

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(Notification of Error in Payment of Fee(s) as a Small Entity [7-6]—page 4 of 4)